

REQUEST FOR COUNCIL ACTION

MEETING 25

DATE: 1/6/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administration	ITEM NO. D-12
ITEM DESCRIPTION Request by Rochester Title 7 Escrow to release an open space covenant on a part of Lots 1&2, Resubdivision of Outlot 25, Northern Addition		PREPARED BY: T. Spaeth

The City has received a letter from Rochester Title on behalf of a potential buyer of the property on North Broadway that is the site of the former KFC Restaurant building.

The letter is requesting the City to release a covenant providing a 10 feet wide open space that was apparently necessary to meet the building code requirements for the construction of a restaurant facility at that location back in 1976.

In a conversation with Mr. Snyder, he has indicated that the potential buyer of the property intends to utilize the building on the property for an "Auto Zone" retail auto parts center.

Based upon this information, the attached memo from Ron Boose indicates that Building Safety would have no objection to release the covenant.

Council Action Requested:

Adopt resolution releasing covenant providing a 10 feet wide open space on Lots 1 & 2, Resubdivision of Outlot 25, Northern Addition.

Attachments:

1. December 19, 2002 memo from Ron Boose

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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City of Rochester
Building Safety Department

Memo

To: Terry Spaeth

From: Ron Boose RB

Date: December 19, 2002

Subject: Request for release of restrictive covenant on Lots 1 & 2,
Resubdivision of Outlot 25, Northern Addition

CC: David Goslee

I have researched the files of the two properties affected by this covenant to determine its original purpose and need for continuation. I have also reviewed a current survey of Lot 1 that was furnished by Rochester Title and Escrow. It appears that the covenant was originally established due to the proximity of the KFC building to the south property line of lot 1. That property line has since been relocated and both buildings, the former KFC building and the Ohly Law offices, are in compliance with the current building code with regard to setbacks from property lines. Therefore, I see no reason to retain this covenant for building code purposes.